

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA**

Gregory Beam,

Plaintiff,

vs.

Case No. 1:21-cv-00002

Otter Tail Power Company and The Babcock  
& Wilcox Company f/k/a Babcock & Wilcox  
Power Generation Group, Inc.,

Defendants.

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**ORDER DENYING MOTION ENFORCE AMENDED PRETRIAL ORDER**

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[¶1] THIS MATTER comes before the Court on a Motion to Enforce Amended Pretrial Order (Doc. No. 51) filed by the Defendants on February 12, 2025. Doc. No.71. The deadline under the Amended Pretrial Order for disclosing proposed witness and exhibit lists was set for February 6, 2025. Doc. No. 51. The Amended Order indicates that failure to abide by the deadline will result in exclusion of such evidence at trial absent a showing of good cause. Id.

[¶2] While the Court has not received a response from Mr. Beam setting forth good cause for his failure to abide by the rules, the Court concludes such a showing is not necessary in this instance as the remedy sought by the Defendants is unduly harsh given Mr. Beam's pro se status in this case. He is an unrepresented individual with no training in the law who has repeatedly shown himself to be ignorant of the requirements of proceeding alone without explicit instruction from the Court. Therefore, an extension of time to submit his witness and exhibit lists is the appropriate remedy under the circumstances.

[¶3] Accordingly, it is **ORDERED**:

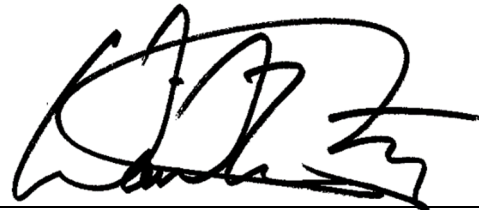
1. Mr. Beam shall submit his proposed witness and exhibit lists to the Court and Defendants no later than Tuesday, February 18, 2025, by 12:00 p.m. central time.
2. Mr. Beam shall use the exhibit list provided on the Court's website found at <https://www.ndd.uscourts.gov/forms/>.
3. Mr. Beam shall provide the names and locations of each witness he intends to call at trial when submitting his witness list.

[¶4] It is further **ORDERED** that the Court will set this matter for a telephonic status conference on Tuesday, February 18, 2025, at 1:30 p.m. to discuss trial procedures. Chambers will email the Parties instructions to call in for the status conference.

[¶5] Accordingly, the Defendant's Motion to Enforce the Amended Pretrial Order is **DENIED without prejudice**. Mr. Beam's failure to abide by this Order may result in excluding all evidence he wishes to present at trial other than his own personal testimony.

[¶6] **IT IS SO ORDERED.**

DATED February 13, 2025.

A handwritten signature in black ink, appearing to read 'D. Traynor', written over a horizontal line.

Daniel M. Traynor, District Judge  
United States District Court